



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES
Procurement Division

MASTER SERVICES AGREEMENT (MSA)
ELECTRONIC LIBRARY SERVICES
User Instructions B (CD-ROM/DVD Libraries)

CONTRACTOR:	West Publishing Corporation dba Thomson/West
CONTRACT NUMBER:	5-08-99-03
CONTRACT TERM:	July 1, 2008 through June 30, 2011
SERVICE:	Electronic Library Services
DISTRIBUTION CODE:	All Contracting Offices; Local Agency List, MSA Contractor, PD Central Records <small>NOTE: Electronic version of all documents associated with this MSA can be found on the DGS/PD Internet web page: www.dgs.ca.gov/pd</small>
USER INSTRUCTIONS ISSUE DATE AND EFFECTIVE DATE:	July 1, 2008

Any questions regarding this MSA shall be directed to the contract administrator:

Department of General Services
Procurement Division, Multiple Award Program
Steve Lower, Contract Administrator
707 Third Street, 2ND Floor, West Sacramento, CA 95605
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Skip Ellsworth, Manager, Multiple Award Program

SECTION I

INTRODUCTION AND GENERAL INFORMATION

The Electronic Library Services Master Service Agreement (MSA) provides State and Local Agencies with access to firms that specialize in database research. These firms provide electronic access, via modem, Internet or CD-ROM, to their Legal, Public Records or Business/News databases.

This MSA offers the following benefits to State and Local Agencies:

1. Ability to download most current legal, public records and business/news information to the desktop of legal and professional staff within minutes.
2. Elimination of time and expense associated with the establishment and maintenance of hard copies of important reference materials.
3. Reduced rates (monthly or hourly) based on aggregated statewide volumes.
4. Elimination of extensive bidding and contracting procedures by using the standardized MSA ordering process.
5. Fixed Pricing.
6. DGS online Suppliers Catalog.

DGS/PD, MULTIPLE AWARD PROGRAM SECTION (MAPS) CONTRACT ADMINISTRATOR

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CONTRACTOR

MSA 5-08-99-03
West Publishing Corporation dba Thomson/West
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Phone: 651/848-3604 Fax: 651/687-5686
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BILLING/INVOICING QUESTIONS

Contact: West State Customer Support
Email: State_support@thomson.com
Phone: 1 (800) 328-4880
West Customer Service Information: <http://west.thomson.com/support/customer-service/>

When purchasing CD-ROM/DVD's, the West Order Form needs to be initialed and returned to West. Please see your local West government representative for more information.

TERM OF MSA

The term of this agreement for this service category is July 1, 2008 through June 30, 2011. Ordering agencies may NOT execute contracts/orders after this date, nor shall the contract term end date of a contract/order executed by an ordering agency, extend beyond June 30, 2011.

RESTRICTIONS

State ordering agencies must have DGS/PD Purchasing Authority for this category to utilize this MSA.

PRICING

West's California Correctional CD-ROM/DVD pricing located in Amendment 1, under Attachment 9, are not controlled by the Price Escalation clause under Attachment 4 (Electronic Library Services Special Provisions). State and local agencies may be eligible for volume discounts as identified on the price list (Attachment 9). Ordering agencies are responsible for verifying that the rates are at or lower than West's then current published rate for this service category, for this MSA.

CONTRACTOR COLLECTION AND PAYMENT OF THE DGS ADMINISTRATIVE FEE

This administrative fee of 2% shall be added to the total contract amount and the contractor will recover this fee from the ordering agencies when invoicing for services utilized under this MSA. The Contractor is required to pay to DGS the recovered administrative fee at no additional charge to DGS or ordering agencies.

DGS shall annually set the percentage for the administrative fee. Contractor shall show the administrative fee as a separate line item on each invoice to ordering agency. DGS represents that it may at its discretion make separate arrangements with any ordering agency for recovery of the administrative fee on a direct payment method.

REPORTING REQUIREMENTS

Ordering agencies shall provide the Department of General Services (DGS) - Procurement Division (PD), Contract Administrator, a copy of the executed Std. 65. For local government agencies, a copy of a comparable contract/ordering document must be submitted for each executed contract/order.

DISABLED VETERAN BUSINESS ENTERPRISE

There are no subcontracting possibilities for Disabled Veteran Business Enterprise (DVBE) participation goals and, therefore, DVBE responses were not included as a requirement for this MSA. DVBE participation does not apply to contracts/orders placed against this MSA.

CALIFORNIA CERTIFIED SMALL BUSINESS

This contractor is not a certified California Small Businesses.

SECTION II

ORDERING PROCEDURES FOR STATE AGENCIES

These User Instructions are designed to help the ordering agency execute a contract/order under this MSA contract. In addition to procedures found in these User Instructions, the DGS/PD Purchasing Authority Manual (PAM), the DGS/OLS State Contracting Manual (SCM) Volume 11, and the ordering agency's internal contract procedures must also be followed.

A. Authority to Use the MSAs

Departments/agencies must have approved purchasing authority for Master Agreement Orders: Non-IT Services, to utilize this MSA. Contracts executed under this MSA may not exceed the approved dollar threshold noted in the department/agency purchasing authority.

B. Outsourcing Justification (GC19130)

Not applicable.

C. Pre-Procurement/Contract Reviews and Approvals

Not applicable. These requirements are noted in Chapter 2 of the PAM and Chapter 3 of the SCM. See letter I of this document for contract execution requirement.

D. Competition & Advertising

Ordering agencies are not required to solicit multiple offers nor post an advertisement in the State Contracts Register when executing contracts under this MSA.

E. Solicitation Document - Request For Offer (RFO)

Although a solicitation document is not required, ordering agencies are encouraged to negotiate the best cost and best value from each MSA contractor. The costs can always be lower than those provided under the MSA, however, they shall NOT exceed the agreed upon rates.

F. Contract Award (Evaluation and Selection –Lowest Cost)

Not applicable.

G. Order Limits/Dollar Thresholds

No maximum order limit

H. State departments may use a STD 65 when purchasing West's California Correctional CD-ROM/DVD's.

State agencies may use a Std. 65 purchase order form to utilize this contract. State agencies shall also provide DGS/OLS a copy of their Std. 65 when the contract value is greater than \$50,000 for approval. Local governments shall execute a contracting document when using this contract.

At a minimum, the following information must be provided:

- MSA contract number on STD 65 purchase order
- Project description and dollar value of the purchase order.
- Amendment 1 with Attachment's 7,8,& 9
- A-2 box at the bottom of the STD 65 must have a check mark
- Leveraged Procurement box at the bottom of the STD 65 must have a check mark.

- Ordering agencies must include a Scope of Work as Exhibit A for each contract. The Scope of Work should identify the specific services that are to be rendered to the ordering agency by the MSA contractor. A contract manager/project representative should be identified in this Exhibit as well.
- Ordering agencies must include Budget, Invoice, and Payment Provisions as Exhibit B. Again, there is no need to duplicate the MSA contract language on this topic. Include those details specific to the contract between the ordering agency and the MSA contractor. The budget must show the costs/rates for the services identified in the scope of work. Ordering agencies must ensure that the costs/rates identified in their budget are at or less than those costs/rates noted on price lists for these MSA contracts. This Exhibit should also include information on where, to whom, and how often the invoices should be submitted.

The DGS/OLS will review the submitted documentation. Upon agreement with the content, the DGS/OLS will approve or reject the request, thereby allowing issuance of the Std. 65 by the agency to the contractor.

1) GENERAL TERMS AND CONDITIONS

Contractor signed and agreed to the General Terms and Conditions (GTC - 307) and is already included in the agreement. There is no need to incorporate the document as the version noted above has already been included in the individual MSA contract with DGS.

2) CONTRACTOR CERTIFICATION CLAUSES

Contractor has already signed and agreed to the contractor Certification Clauses (CCC - 307). There is no need to incorporate the current CCC as these have already been included in the MSA contract with DGS.

3) The contractor will charge the ordering agency the 2% DGS administrative fee. This fee must be included as a line item in the contract budget and included in the total cost of the contract.

4) Agency/Department Special Terms and Conditions or Additional Provisions

Special Terms and Conditions or Additional Provisions that are unique and specific to the ordering agency may be included in the contract between the MSA contractor and the ordering agency.

I. Cal-Card as a Payment Mechanism

Payment by Cal-Card is permissible at the discretion of the MSA contractor. A Std. 65 is required regardless of the dollar amount of the contract and/or the amount payable to the contractor. The Exhibit B, Budget, of executed contracts with ordering agencies MUST include the Cal-Card language found in the State Contracting Manual (SCM).

J. Amendments

- 1) As noted previously in this section, the DGS/OLS review dollar threshold must be adhered to at all times and amendments to add money must take this into consideration.
- 2) The MSAs for this service category are exempt from further competition.
- 3) Amendments must be executed in accordance with the SCM.

K. MSA Contract

Ordering agencies shall read and become familiar with the contract terms for each MSA to be utilized. This will eliminate duplication of language and provide a clear understanding of the responsibilities of each party. <http://www.pd.dgs.ca.gov/masters/eLibraryWestHome.html>

SECTION III

ORDERING PROCEDURES FOR LOCAL AGENCIES

These User Instructions are designed to help the ordering agency execute a contract/order. In addition to procedures found in these User Instructions and the DGS/OLS State Contracting Manual, the ordering agency's internal contract procedures also must be followed.

A. Internal Approval

Local agencies must have obtained internal approval prior to issuing an order against this MSA. Local agencies must agree to all the terms and conditions of the MSA when issuing orders against an MSA.

B. Contract/Order Form

Local agencies may use their own contract forms but must include all pertinent information as required by State ordering agencies—the data elements must match those found in the Std. 213 and Std. 215 contract forms.

C. Administrative Fee

DGS charges the users of this MSA an administrative fee. Local agencies must agree to the State's administrative fee. The contractor will charge the ordering agency this fee through the invoice for services. When originating a contract under this MSA, this fee must be included as a line item in the contract budget and included in the total cost of the contract.

SECTION IV

FORMS

A. Std. 213 Standard Agreement

<http://www.documents.dgs.ca.gov/ols/CONTRACTING%20INFO/STD213-JUNE%2003.doc>

In the event the above link is problematic, this form is found on the OLS main website at:
www.ols.dgs.ca.gov

B. Std. 215 Agreement Summary

<http://www.documents.dgs.ca.gov/ols/CONTRACTING%20INFO/STD215%20Rev%204-2002.doc>

In the event the above link is problematic, this form is found on the OLS main website at:
www.ols.dgs.ca.gov

C. LPA File Documentation Checklist

<http://www.documents.dgs.ca.gov/pd/delegations/FildocLPA.pdf>

In the event the above link is problematic, this checklist is found in Chapter 6 of the Purchasing Authority Manual. Below is a link to the manual:
<http://www.pd.dgs.ca.gov/deleg/pamannual.htm>